

EL DORADO CITY COMMISSION MEETING MINUTES

December 6, 1999

The El Dorado City Commission met in regular session on December 6, 1999 at 7:30 p.m. with the following present: Mayor Susan J. Seeber, Commissioner Brian L. Clites, Commissioner Betty Criss, Commissioner Betty J. Kirkpatrick, Commissioner Don Storrer, City Manager Stan Stewart, City Director of Administration Gus Collins, City Engineer Bruce Remsberg, City Clerk Janet Arnold, and City Attorney Mike Coash.

VISITORS

Richard Chase	5225 NW Ohio St. Road	El Dorado, Kansas
Steve Woods	1805 Lawndale	El Dorado, Kansas
Van Pooler	1972 Hazlett	El Dorado, Kansas
Robert Williams	520 Linda Lane	El Dorado, Kansas
Deana Conrad	611 W. 12 th	El Dorado, Kansas
Geraldine Russum	1301 Joyce	El Dorado, Kansas
Sue Reynolds	1309 Joyce	El Dorado, Kansas
Steve Reynolds	1309 Joyce	El Dorado, Kansas
Ron Evans	512 Linda Lane	El Dorado, Kansas
Gerald Wittenberg	515 Linda Lane	El Dorado, Kansas
Bill Higgins	924 Delmar	El Dorado, Kansas
Marvin Miller	1111 N. Taylor	El Dorado, Kansas
Carl Barrier	1142 N. Taylor	El Dorado, Kansas
Lisa Benest	511 W. Twelfth	El Dorado, Kansas
Karen Veith	1344 N. Taylor	El Dorado, Kansas
Stephen Waite	719 Meadow Road	El Dorado, Kansas
John Wright	1106 Cave Springs	El Dorado, Kansas
Darrell Whitney	206 Warren Road	El Dorado, Kansas
Dan Herrin	630 W. 10 th	El Dorado, Kansas
Mike Boucher	114 N. Vine	El Dorado, Kansas
Doug Mitchell	1300 N. Topeka	El Dorado, Kansas
Art Torrez	602 W. 13 th	El Dorado, Kansas
Naomi Torrez	602 W. 13 th	El Dorado, Kansas
Jay J. Johnson	1230 N. Topeka	El Dorado, Kansas
Andy McElhiney	1302 Joyce	El Dorado, Kansas
Oleta M. Huston	530 W. 13 th	El Dorado, Kansas
Sam Leben	502 W. 13 th	El Dorado, Kansas
Roxanne Limon	1312 Joyce	El Dorado, Kansas
Carol McAllister	529 W. 12 th	El Dorado, Kansas
Kenneth McAllister	529 W. 12 th	El Dorado, Kansas
David M. Green, Jr.	R.R. #4	El Dorado, Kansas

INVOCATION

Pastor Richard Edds provided the invocation.

PLEDGE OF ALLEGIANCE

The Boy Scout Troop #222, Girl Scout Troop #152, and Brownie Troop #73 appeared to lead the Governing Body and the audience in the Pledge of Allegiance.

CONSENT AGENDA

- A. Approval of the November 15, 1999 City Commission Minutes.
- B. Approval of the November 26, 1999 Work Session Minutes.
- C. A payment estimate dated November 29, 1999 on Project No. 903, to Conco in the amount of \$176,344.37.
- D. The Engineer’s Eighth Payment Estimate dated November 22, 1999 on Project No. 840 (Bike Path) to the Contractor, Central Paving, Inc., in the amount of \$103,063.33.
- E. The Engineer’s Second Payment Estimate dated November 29, 1999 on Project No. 854-C (Manhole Rehabilitation) to the Contractor, Utility Maintenance Contractors, LLC, in the amount of \$39,975.00.
- F. The Engineer’s First Payment Estimate dated November 29, 1999 on Project No. 919 (Paving Gordy from Sixth to Ninth) to the Contractor, Central Paving, Inc., in the amount of \$13,213.80.

Commissioner Kirkpatrick moved the consent agenda, as presented, be approved.

Commissioner Clites seconded the motion and it carried 5-0.

APPROPRIATION ORDINANCE NO. 99-11

Administration	\$ 25,358.99	Airport Fund	4,070.30
Engineering	35,776.73	El Dorado Senior Center	6,527.93
Legal/Judicial	15,666.05	Major Street Impv. Fund	44,668.29
Civic Center	26,423.21	Cemetery Fund	9,742.59
Police Department	160,128.58	Bradford Memorial Lib.	25,725.22
Hazmat	237.70	Employee Benefits	918.69
Fire Department	81,186.97	Industrial Mill Levy Fund	62.50
Bldg/Zoning	8,993.37	Self-Insurance Reserve	1,008.00
Public Works	21,984.02	Sales Tax fund	1,613.56
Forestry	950.00	Tourism Tax Fund	5,947.04
Park Maintenance	35,981.06	Revolving Loan Fund	12,380.62
Street Lights	12,392.39	Construction Fund	471,093.32
Health/Sanitation	7,306.64	Bond and Interest Fund	1,339,232.36
Recreation	22,374.26	Water Fund	145,327.21
Swimming Pool	1,072.19	Sewer Fund	81,538.79
Youth Center	769.98	Refuse Fund	71,083.37
External Stores	35,897.26		
Data Processing Fund	28,830.77	TOTAL	\$2,742,269.96

Commissioner Storrer moved that Appropriations Ordinance No. 99-11, in the amount of \$ 2,742,269.96 be approved.

Commissioner Criss seconded the motion and it carried 5-0.

INFLOW AND INFILTRATION

Mayor Seeber stated that City staff recommended to the City Commission the implementation of an Inflow and Infiltration program to be effective December 1, 1999. The announcement for this program has been distributed through the media, as well as Channel 7. Many individuals had requested inspections prior to the date of December 1, 1999. The Governing Body requested a review of the procedure for inspecting the other homes in the community.

Director of Administration Collins stated that City staff recommends that the City continue with the distribution of information through media and Channel 7 requesting voluntary compliance. The City utilities department will have staff available to provide assistance and on-site inspections if the property owner desires. This program will continue on a volunteer basis.

Y2K PREPAREDNESS

City Manager Stewart stated that City staff has completed the preparation and testing for the turn of the century. The City is completely Y2K ready. He stated that the City staff would be on standby at City Hall for immediate responses on December 31, 1999.

Fire Chief Ralph Green stated that in the event there is a loss of electrical power the City will still be able to provide water and sewer service, on a short-term basis, and the police and fire departments would not be affected. In the event residents do not have telephone service, the following will be designated as emergency locations: Coastal Mart, 1400 Block N. Main; Texaco Food Mart, Sixth and Main; City Hall, parking lot at Jim's Foodliner, Denver and Central; Quik Trip, 1320 W. Central; Braums, Central and Oil Hill Road; and Gail and Helen's Convenience Store, 2575 W. Central. Fire Chief Green then provided additional information regarding the City's preparation for the Y2K event.

TRAFFIC STUDY- 12TH STREET EXTENSION

Mayor Seeber stated that over the past year, a citizen steering committee has been working with a consultant, Bucher, Willis & Ratliff, to develop a traffic study for the City. This study is now complete and is ready for consideration by the City Commission. The study recommends the construction of an extension of 12th Avenue from Main Street to Oil Hill Road.

City Engineer Remsberg provided the Governing Body with an overview of past and current traffic studies from consultants regarding the construction of a Northwest extension. The recommendation of City staff is the extension of 12th Avenue from Main Street to Oil Hill Road such as was provided by the most recent consultant study by Bucher, Willis & Ratliff. The consultants study found that the 12th Avenue extension would reduce the traffic on Sixth Avenue by approximately 3,000 vehicles per day. Mr. Remsberg further noted that the study stated that this route would provide improved access to the northern section of El Dorado, improved access to El Dorado Lake, and would open land for industrial development around the Coastal Refinery. This study noted that the 12th Avenue route would be more economical.

Commissioner Criss then asked Mr. Remsberg to explain how the 12th Avenue extension would correlate with future traffic patterns.

City Engineer Remsberg explained that this route would allow for an extension to continue east at Main Street and then south, in the area of

Vintage Place, to Highway 54. This would not be possible with the McCollum alignment.

Commissioner Criss questioned whether the truck route would remain on Sixth Avenue should the 12th Avenue extension be approved and whether the truck route would be changed to 12th Avenue when it is completed through to Highway 54.

City Engineer Remsberg stated that the truck route would remain on Sixth Avenue at this time. There is the possibility of the truck route changing to 12th Avenue should it continue through east to Highway 54. The issue of the truck route would be determined by the Governing Body at the time of that improvement.

Commissioner Clites noted that he believes that the issue of the 12th Avenue extension continuing on southeast to Highway 54 should be discussed at this time. It would be relative to the way he chose to vote on this issue. Commissioner Clites also proposed a compromise to the residents in the area of this proposed route. He stated that this route could be regulated as to the speed limit and restrict any type of truck traffic.

Mayor Seeber stated that the Planning Commission's recommendation was to develop a plan to tie into McCollum Road in the future and deny the recommendation of Bucher, Willis & Ratliff for the 12th Avenue extension. She further noted that she was not in favor of closing the 9th Avenue bridge to vehicular traffic. In her opinion, this would route too much traffic on Taylor which is a residential street. Mayor Seeber pointed out several items, from the study of Bucher, Willis & Ratliff, that indicated that either the 12th Avenue extension or the McCollum extension would be sufficient.

The right-of-ways that would have to be obtained for the 12th Avenue extension would be more expensive than with the McCollum extension, since Mr. Green offered part of his land for right-of-ways.

Mayor Seeber then stated that one of the purposes of the traffic study is to reduce truck traffic on 6th Street. This is not a residential neighborhood street, this is a truck route. In her opinion, it is too dangerous to have children cross two major thoroughfares, Sixth Avenue and the proposed 12th Avenue extension, on their way to school.

Mayor Seeber said the study does not address flooding and water travel issues as they need to be addressed. Before any roadway is constructed in that area, whether it be 12th Street, McCollum or further north, the Corp of Engineers or someone that is qualified to study water issues should perform a thorough study. There are flooding problems on North Main, flooding problems at 12th and Main now that are being worked on, but sometimes new roadway construction serves as a dam and increases the flooding situation, rather than decreasing it and helping the problem.

Mayor Seeber stated that the city does need to look to the future and long-range planning. But a trafficway that cuts through an existing neighborhood is not progress. It uses state funds to build a road when common sense dictates that the most reasonable truly long-range plan is based on future development, not cutting through existing development that would support the McCollum Road option. This plan would also let the state build a bridge which is needed without further delay because Ninth Street bridge is in dire need of repair. The traffic study recommended by Bucher, Willis and Ratliff does not address the need for a road from north to south on the east portion of the city. A thorough traffic study that addresses that need should be done. The development of the city is going north and east. This needs to be addressed before the 12th Street project.

Mayor Seeber then moved to accept the Planning Commission's recommendation to develop a plan to construct a trafficway to tie into McCollum in the future; deny the

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recommendation from the traffic study report of Bucher, Willis & Ratliff; direct City staff to proceed with Mr. Green’s offer of right-of-way development of the road in the future

and recommend that the option of extending the trafficway west from the turnpike to Oil Hill Road be considered.

After more discussion, Commissioner Clites questioned whether there was anything that the commissioners could do, if the 12th Avenue project is acted on, that could make it more palatable to the residents of the Adlesperger area. Commissioner Clites then asked for input from residents on why they do not think the 12th Avenue project should be considered.

Several residents in the area of the proposed 12th Avenue extension appeared before the Governing Body to express their opinions regarding the following: They simply do not want this trafficway in their neighborhood; concerns regarding the increased traffic flow; concerned that eventually a future Commission will make this a truck route; probability of more flooding with the construction of the 12th Avenue extension; safety of their children (crossing 6th Avenue and the 12th Avenue extension); change the character of the overall neighborhood.

After further discussion Commissioner Clites seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	yes
Commissioner Brian L. Clites	yes
Commissioner Betty Criss	no
Commissioner Betty J. Kirkpatrick	no
Commissioner Don Storrer	no

Motion failed.

Commissioner Storrer then moved that a Project Request Form be submitted to KDOT for a roadway from Oil Hill Road to Twelfth and Main as set forth in the “El Dorado Northwest Trafficway Feasibility Study” dated October, 1999.

Commissioner Criss seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	no
Commissioner Brian L. Clites	no
Commissioner Betty Criss	yes
Commissioner Betty J. Kirkpatrick	yes
Commissioner Don Storrer	yes

Motion carried 3-2.

APPLICATION FOR SYSTEM ENHANCEMENT

Mayor Seeber stated that an issue related to the Traffic Study has arisen with the passage of the State’s System Enhancement Program. In order for a project to be included in the System Enhancement Program, certain basic conditions must be met. One of these is that the project must connect existing highways. Another is that existing lane miles must be removed from the State highway system.

Mayor Seeber stated there is a problem receiving two packets of information at the start of the commission meeting when City staff has known about the information for weeks and that the information is needed sooner so that it can be reviewed.

City Engineer Bruce Remsberg stated that City staff had been working on the information since the work session a month ago when a thumb nail sketch was presented to the Commission.

Discussion then followed regarding whether this traffic way would become a highway.

City Engineer Remsberg stated that if the city receives the System Enhancement funds, this route would then become the highway.

Commissioner Clites questioned whether the city would lose all labeling and funding for Central and Main.

City Engineer Remsberg said that would be true. The city would no longer receive funding for Central from Haverhill to the east city limits as that would no longer be the highway. The same would be true for Main from 12th to the south city limits.

Discussion followed regarding whether 12th Street would become a truck route.

Commissioner Kirkpatrick said she thought the reasoning for the 12th Street project was to relieve traffic on 6th Street, not to do away with traffic on 6th and put it on 12th.

City Engineer Remsberg said that the two issues were getting mixed up, but if it is a bypass, then it's a different situation for a state highway.

Mayor Seeber then stated that the commissioners that just approved the prior motion did it based on the fact that it was not going to allow truck traffic and if the city approves applying for this grant money then the city commission no longer has that control any longer.

More discussion followed.

Commissioner Storrer moved that Resolution No. 2257, A RESOLUTION APPROVING AN APPLICATION FOR SYSTEM ENHANCEMENT FUNDS FOR A PROJECT KNOWN AS THE EL DORADO BYPASS AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE SAME, option #1 be adopted. (Option #1 Bypass from Central and Oil Hill Road to Twelfth and Main and continuing southeast to Highway 54)

Commissioner Criss seconded the motion.

Planning Commission member Mr. Steve Woods, 1805 Lawndale, addressed the City Commission stating that he believes they should not make a hasty decision regarding a bypass around El Dorado just because there are funds available. He noted that this type of project for El Dorado should be reviewed by the Planning Commission and the City Commission before a definite decision is made.

Mayor Seeber asked how long Mr. Remsberg has had the information about the System Enhancement program available to him and the City.

City Engineer Remsberg noted that the City was made aware of the program in May or June, 1999.

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Mayor Seeber then questioned whether the Planning Commission was made aware of those funds for a bypass project.

City Engineer Remsberg noted that the Planning Commission has discussed the Northwest Trafficway for quite some time. During those discussions it was noted that the 12th Avenue route would allow the bypass to extend southeast to Highway 54.

Mayor Seeber then called for a vote on the resolution.

ROLL CALL

Mayor Susan J. Seeber	no
Commissioner Brian L. Clites	no
Commissioner Betty Criss	yes
Commissioner Betty J. Kirkpatrick	yes
Commissioner Don Storrer	yes

Motion carried 3-2.

INTERLOCAL LEGISLATIVE COMMITTEE

Mayor Seeber and City Manager Stewart are both serving as representatives of the Regional Economic Area Partnership. Mayor Seeber serves as the vice-chairman of the Legislative Committee for REAP. To assist this group, the Mayor has requested local assistance from the other governmental entities. A meeting has been set in December to involve representatives of these entities and to provide input into the upcoming legislative session.

Commissioner Kirkpatrick moved to approve the interlocal legislative agenda.

Commissioner Clites seconded the motion and it carried 5-0.

RECREATION ADVISORY BOARD APPOINTMENT

Commissioner Clites moved to appoint Keith Balzer to serve the unexpired term of the Recreation Advisory Board for a term ending May 1, 2001.

Commissioner Kirkpatrick seconded the motion and it carried 5-0.

PROJECT NO. 905 – 2000 SALES TAX PROGRAM PROJECT

Mayor Seeber stated that the City Commission held a Public Hearing on November 1, 1999 on Project No. 905, which is included in the year 2000 Sales Tax Program Projects. The streets involved in this project are Poplar Street (Olive to Central) and Olive Avenue (Poplar to High). After that hearing a Resolution of Necessity was passed by the City Commission. This was subject to a 20-day protest period and that protest period has expired. There were no protests on this project.

Commissioner Criss moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for the paving of Project No. 905.

Commissioner Storrer seconded the motion and it carried 5-0.

PROJECT NO. 924 – PAVING OF MILLHEISLER STREET – PHASE II

Mayor Seeber stated that the City Commission held a Public Hearing on November 1, 1999 on Project No. 924, which covers the paving of Millheisler Street. After that hearing a Resolution of Necessity was passed by the City Commission. This was subject to a 20-day protest period and that protest has expired. There were no protests on this project.

Commissioner Kirkpatrick moved that the City Manager be instructed to have plans, specifications and estimate of cost prepared for the paving of Project No. 924.

Commissioner Criss seconded the motion and it carried 5-0.

CITY-WIDE COMMUNICATIONS TO THE COUNTY

Mayor Seeber stated that this item would be tabled since the details have not yet been finalized.

VOICE STREAM LEASE AGREEMENT – TOWER LEASE WITH OPTION

City Staff has been discussing the terms and conditions of the proposed lease to allow Voice Stream to install communications devices on the City of El Dorado water tower located on 6th Street. City Attorney Coash has reviewed the conditions of the lease and is now submitting to the City Commission for approval. The concerns of the term of the lease have been reduced from 25 years to 15 years as well as the non-exclusive language has been removed.

City Manager Stewart noted that the City does not foresee any complications with this agreement within the next 15 years. It was noted that the City will receive \$650.00 a month for this lease.

Commissioner Clites moved to authorize the Mayor to execute the lease agreement between the City of El Dorado and Tele-Com Marketing, LLC Voice Stream for the purpose of installing communication devices on the City of El Dorado's water tower.

Commissioner Criss seconded the motion and it carried 5-0.

CEREAL MALT BEVERAGE LICENSES

Commissioner Kirkpatrick moved that the following application for the year 2000 Cereal Malt Beverage Licenses be approved:

- Dillion, 700 North Main, Johnie Gragg
- Casey's General Store, 420 West 6th, Gloria Swayze
- Casey's General Store, 1310 North Main, Gloria Swayze
- Food 4 Less, 524 North Main, Doug Rickard

Commissioner Storrer seconded the motion and it carried 5-0.

PROJECT NO. 928 – SANITARY SEWER TO SERVE CRISS FOURTH ADDITION

Mayor Seeber stated that a petition for this work was filed earlier this year and plans and specifications were then ordered to be prepared. At the last meeting the City Commission directed that bids be received.

ORDINANCE ISSUING BONDS S-1079

Commissioner Storrer moved that Ordinance No. S-1079, the same being, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF EL DORADO, KANSAS, IN AN AMOUNT NOT TO EXCEED \$100,000.00 IN PAYMENT OF THE COST OR A PART OF THE COST OF PROJECT NO.928, THEREIN DESCRIBED AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES PENDING THE ISSUANCE OF SUCH BOND," be placed on its passage and considered section by section.

Commissioner Kirkpatrick seconded the motion.

ROLL CALL

Mayor Susan J. Seeber	yes
Commissioner Brian L. Clites	yes
Commissioner Betty Criss	abstain
Commissioner Betty J. Kirkpatrick	yes
Commissioner Don Storrer	yes

RECEIVING THE BIDS

Mayor Susan J. Seeber spread the bids for the record.

Engineer’s Estimate	\$ 145,230.50
Middlecreek Mining Corp.	81,623.80
Dondlinger & Sons Const. Co., Inc.	86,280.00
Mies Construction, Inc.	91,961.75
Nowak Construction, Co.	96,234.60
Duling Construction Co., Inc.	122,442.70

AWARDING THE CONTRACT

Mayor Seeber moved that as Middlecreek Mining Corporation submitted the lowest and best bid for the Project No. 928 and since their bid of \$ 81,623.80 was under the Engineer’s Estimate, that the contract be awarded to Middlecreek Mining Corporation and that the City Manager be directed to enter into a contract with said construction Company for the construction of said projects providing that the company furnishes the proper Statutory and Performance and Maintenance Bonds.

Commissioner Clites seconded the motion and it carried 4-0-1, Commissioner Criss abstained.

MISCELLANEOUS

RETREAT

City Manager Stewart noted that a retreat for the City Commission is scheduled for December 8, 1999 at 8:30 a.m. to 4:30 p.m. to discuss in more detail some of the City's priorities.

BCCC

City Manager Stewart congratulated the Butler County Community College football team with their second National Championship. He noted a parade is planned for Saturday, December 11, 1999 at 10:00 a.m.

NLC REPORT

City Manager Stewart noted that he and Mayor Seeber attended the National League of Cities conference. They plan to provide the Governing Body with a more detailed report of their conference. Mayor Seeber stated that Mayor Bob Knight, Wichita, Kansas, was elected to serve as president of the NLC.

ADJOURNMENT

Janet L. Arnold, City Clerk

Susan J. Seeber, Mayor